

Message Text

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10/12

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CU-04 STR-04 TRSE-00 COME-00 L-03

OES-05 MC-02 CIAE-00 INR-07 NSAE-00 ERDA-07 DODE-00

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R 131745Z FEB 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6492

INFO USMISSION EC BRUSSELS

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

USMISSION USBERLIN

UNCLAS BONN 02566

(CORRECTED COPY, PARA 2, LINES 5 AND 6)

E.O 11652: N/A

TAGS: BEXP, ETRD, EEC, GW

SUBJECT: EEC MEASURE AFFECTING U.S. ORIGIN INSTRUMENTS
PURPOSES

REF: (A) BONN 2089 (B) STATE 35889

L. ACCORDING TO FOREIGN OFFICE SOURCE, EC MEMBER STATES

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REVIEWED THE PROPOSED REGULATIONS GOVERNING DUTY-FREE

ENTRY OF SCIENTIFIC EQUIPMENT IN LATE NOVEMBER, 1974, AND DETERMINED THAT THIS REGULATION WOULD BE COMPATIBLE WITH FLORENCE AGREEMENT. NOVEMBER, 1974 REVIEW WAS BASED ON BRIEF PREPARED BY LEGAL SERVICE OF EC COMMISSION, WHICH ARGUED THAT PROPOSED REGULATION WOULD BE ADMISSABLE BECAUSE FLORENCE AGREEMENT DID NOT HAVE ANY TRADE POLICY TARGET, AND THAT IT WAS DESIGNED INSTEAD TO GIVE UNIVERSITIES AND OTHER NON-PROFIT ORGANIZATIONS THE OPPORTUNITY TO PURCHASE THE MATERIALS AND EQUIPMENT THEY NEEDED AS CHEAPLY AS POSSIBLE. EC LEGAL SERVICE ALSO CONTENDED THAT MEMBERS OF A CUSTOMS UNION MUST BE TREATED AS A SINGLE ENTITY, AND THAT BENELUX MEMBERS ALREADY HAVE A SIMILAR ARRANGEMENT.

2. PROCEDURES FOR ASCERTAINING THAT COMPARABLE EQUIPMENT IS NOT PRODUCED WITHIN THE EEC ARE CUMBERSOME AND WILL IN EMBASSY'S OPINION CONSTITUTE AN ADDITIONAL TRADE BARRIER IN THEMSELVES. ACCORDING TO FOREIGN OFFICE SOURCE, APPLICATIONS FOR DUTY-FREE ENTRY MUST BE HANDED TO CUSTOMS AUTHORITIES IN MEMBER STATES, WHICH WILL THEN FORWARD THEM TO EC COMMISSION. COMMISSION WILL IN TURN DISSEMINATE THESE APPLICATIONS TO DESIGNATED OFFICES IN EACH MEMBER STATE (IN FRG, THIS IS THE BUNDESAMT FÜR GEWERBLICHE WIRTSCHAFT) FOR VERIFICATION THAT COMPARABLE EQUIPMENT IS NOT AVAILABLE. IF COMMISSION IS NOT OTHERWISE NOTIFIED WITHIN FOUR WEEKS BY ANY OF THE MEMBER STATES, IT WILL INFORM THE CUSTOMS AUTHORITIES IN THE IMPORTING MEMBER STATE THAT THE APPLICATION FOR DUTY-FREE ENTRY MAY BE APPROVED. EVEN IF THE COMMISSION IS HIGHLY EFFICIENT IN HANDLING THIS PAPER FLOW, A DELAY IN THE ORDER OF 6-8 WEEKS IN APPROVING APPLICATIONS WILL MOST LIKELY BE NORMAL. WHILE IMPORTS WILL BE PERMITTED AS LONG AS THE IMPORTING INSTITUTION AGREES TO PAY CUSTOMS DUTIES IN THE EVENT APPLICATION IS DENIED, THIS LONG PERIOD OF UNCERTAINTY WILL PLACE U.S. PRODUCTS AT A COMPETITIVE DISADVANTAGE.

3. FOREGOING DRAFT PRIOR TO RECEIPT OF REFERENCE B. THIS INFORMATION MAY BE OF HELP TO USEC IN MAKING ITS UNCLASSIFIED

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DEMARCHE.
CROWLEY

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NNN

Message Attributes

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